

DOCKET NO: 251115US0X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TIZIANO TANAGLIA : EXAMINER: NUTTER
SERIAL NO: 10/810,695 :
FILED: MARCH 29, 2004 : GROUP ART UNIT: 1711
FOR: ELASTOMERIC COMPOSITION :
FOR THE INSULATION OF ELECTRIC
CABLES

PETITION UNDER 37 C.F.R. 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants hereby petition the Commissioner pursuant to 37 C.F.R. 1.181 to invoke supervisory authority to enter the amendment filed on February 16, 2007. The Examiner refused to enter Applicants' amendment because the Examiner believes that the amended claims comprise two different inventions which are further different from the originally elected invention. The Examiner alleged that each of the two new groups and the already examined claims are related as mutually exclusive species in an intermediate-final product relationship. The Examiner stated that since Applicants have received an action on merits for the originally presented invention, that invention has been constructively elected by original presentation for prosecution on merits.

Applicants contacted Examiner Nutter on April 30, 2007, requesting entry of the February 16, 2007, amendment. The Examiner indicated that he would not reconsider his

decision. Accordingly, Applicants now petition for the reconsideration of the non-entry of the amendment.

Original claim 1 is directed to “a blend” comprising one or more polymers selected from polymer (i) and polymer (ii). Applicants elected polymer (i) in response to the election requirement. The specification defines “a blend” as being a composition comprising a polymer and also other compounds: the specification further defines “a blend” on page 5 as comprising polymer (i) and also the components now recited in the amended claims, i.e.,

from 25 to 300 parts of mineral filler selected from calcined kaolin, talc, calcium and/or magnesium carbonate, silica, magnesium and aluminum hydroxide, and mixtures thereof;

from 0 to 15 parts of plasticizer selected from mineral oil and paraffinic wax;

from 0 to 2 parts of a process coadjuvant additive selected from stearic acid and polyethylene glycol;

from 0 to 5 parts of coupling agent for mineral fillers selected from derivatives of vinyl silanes;

from 0.5 to 5 parts of antioxidant;

from 0 to 10 parts of zinc oxide or lead oxide;

from 2 to 15 parts of a of peroxide vulcanization coadjuvant selected from liquid polybutadienes, tri-allyl cyanide, N,N'-m-phenylene dimaleimide, and ethylene dimethyl acrylate; and

from 0.4 to 5 parts of an EPR crosslinking peroxide.

Examples on pages 7-12 further support the definition of “a blend” comprising a polymer and the above mentioned components.

Amended claim 1 is also directed to “a blend”, wherein not only polymer (i) but the other blend components are also expressly recited. Thus, the amended claims fall within the originally elected invention.

Applicants believe that in light of the above remarks no fee should be necessary. However, if the Patent Office deems a fee to be required, authorization is hereby given to charge any fees associated with this paper to Deposit Account No. 15-0030. A duplicate copy of the accompanying transmittal letter is provided for this purpose.

Respectfully submitted,

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